

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

**CRR 4291 of 2022**

**David Ehikioya Favour**  
**-Vs-**  
**The State of West Bengal**

For the Petitioner:        Mr. Minal Palana, Adv.,  
                                         Ms. Aafreen Parveen, Adv.

For the State:                Mrs. Arani Bhattacharjee, Adv.,

Heard on: 17 January, 2023.

Judgment on: 17 January, 2023.

**BIBEK CHAUDHURI, J. : –**

1. This is an application for direction upon the trial court for expeditious disposal of Sessions Trial Case No.3(2) of 2021 corresponding to GR Case No.89 of 2019 arising out of Bidhannagar Cyber Police Station Case No.08/2019 under Sections 419/420/468/469/471/120/34 of the IPC and Section 14A of the Foreigners Act pending before the learned Additional Sessions Judge, Barasat.

2. The petitioner is a permanent citizen of Nigeria. He is an accused in custody in connection with the above mentioned case.

3. It is ascertain from the averment made in the instant revision that one Debajyoti Dash submitted a written complaint on 3<sup>rd</sup> February, 2019

with Bidhannagar Cyber Crime Police Station stating, inter alia, he interrogated with one Lecresia Kumar through matrimony site ([www.bharatmatrimony.com](http://www.bharatmatrimony.com)). Subsequently, the said person stated to the defacto complainant that she had been detained by the Airport authority as she was huge fund with her in order to release her the complainant was asked to pay and on good faith the complainant paid Rs.10,63,000/- in different instalments. The petitioner was booked in the said case. On completion of investigation police submitted charge-sheet against the petitioner. The trial court framed charge against him on 5<sup>th</sup> February, 2021 and a schedule for trial was fixed on 23<sup>rd</sup> March, 2021 to 26<sup>th</sup> March, 2021 to 26<sup>th</sup> March, 2021. In the mean time, on 22<sup>nd</sup> March, 2021 police submitted supplementary charge-sheet against the petitioner. It is further submitted on behalf of the petitioner that till date only two witnesses were examined by the prosecution and previous schedules of trial noted with no result as the prosecution failed to produce any witness in support of the charge.

4. It appears from the record that the trial judge fixed schedule for examination of witnesses on 14.07.2022 to 16.07.2022. Thereafter on 20.08.2022 to 22.08.22 then on 14.11.2022 to 16.11.2022 but all the above stated schedules were collapsed as the prosecution failed to produce any witnesses on those dates.

5. Under such circumstances, the petitioner has prayed for a direction upon the trial court for expeditious disposal of the case.

6. Having heard the learned Advocate for the petitioner, this Court finds that trial of this case is delayed primarily due to negligent approach on the part of the prosecution. In a criminal trial instituted upon police report it is the duty of the prosecution to produce the witnesses. Court issues summons in the names of the witnesses as produced by the learned Public Prosecutor-in-Charge. In the instant case, even after several dates were fixed, prosecution failed to produce any witnesses.

7. Under such circumstances, the learned trial judge is directed to dispose of the above mentioned sessions case pending before him within eight months from the date of communication of this order. In order to ensure appearance of the witnesses, the learned trial judge is at liberty to direct the Officer-in-Charge of Bidhannagar Cyber Police Station to produce them on the date fixed if no witnesses is produce on the date fixed by him during trial, it is open for the court to pass necessary order in accordance with law for the interest of the accused in custody.

8. In view of the above discussion the instant revision is allowed.

9. The learned trial judge is directed to follow the directions made hereinabove.

10. The petitioner is at liberty to act on the server copy of the order.

**(Bibek Chaudhuri, J.)**